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7th 'Bug' Case Revealed By Justice Department

The Justice Department confessed to another instance of "bugging" by Federal agents yesterday, this time in a case of Treasury Department cooperation with Miami detectives to catch some gamblers.

It was the seventh voluntary disclosure of electronic eavesdropping to the Supreme Court and lower Federal courts since the Department started canvassing its files last fall for tainted prosecutions.

Solicitor General Thurgood Marshall told the Supreme Court that Jack T. Rainwater of Miami and six co-defendants were the latest bugging victims. They were convicted of State lottery charges, partly on the basis of records Rainwater kept in order to pay his Federal gaming tax.

Marshall disclosed that Rainwater, who has petitioned for Supreme Court review of his conviction, was overheard

talking to another defendant by Federal agents who had planted a microphone "at a business establishment where petitioner Rainwater and others frequently met."

The monitoring provided leads that led to a search of Rainwater's place of business. The search produced evidence turned over to Florida authorities, Marshall said. He added, "There is no reason to believe that State authorities knew of the possible taint."

The Court had asked Marshall for his views because of the Solicitor General's earlier brief in another case involving possible use by State prosecutors of information obtained through compliance with Federal gambling tax laws. Marshall asked the Court to uphold the Federal tax laws even if they afforded immunity from State prosecution in cases like Rainwater's.